

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
JEFFREY SIMPSON,	:
	:
Plaintiff,	:
	:
-v-	25-CV-4004 (JMF)
	:
JARED CHASSEN et al.,	<u>MEMORANDUM OPINION</u>
	<u>AND ORDER</u>
	:
Defendants.	:
	:
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JESSE M. FURMAN, United States District Judge:

On June 27, 2025, the Court granted Defendant Jared Chassen’s request for attorney’s fees under 28 U.S.C. § 1447(c); ordered Chassen to submit an accounting of his relevant attorney’s fees and costs, supported by contemporaneous billing records and other appropriate documentation; and invited Plaintiff Jeffrey Simpson to respond. *See* ECF No. 31, at 3-4. Simpson filed his response on July 29, 2025. *See* ECF No. 41.¹

Parties may recover fees for a reasonable number of hours expended in making the motion to remand. *See Naxos Art, Inc. v. Zoullas*, No. 16 Civ. 7269, 2017 WL 2894142, at *2 (S.D.N.Y. July 7, 2017). In the Second Circuit, “the lodestar — the product of a reasonable hourly rate and the reasonable number of hours required by the case — creates a ‘presumptively reasonable fee.’” *Millea v. Metro-North R.R. Co.*, 658 F.3d 154, 166 (2d Cir. 2011) (quoting *Arbor Hill Concerned Citizens Neighborhood Ass’n v. County of Albany*, 522 F.3d 182, 183 (2d

¹ Simpson’s opposition is wholly nonresponsive. Rather than addressing Chassen’s requested fees and costs, Simpson merely restates his disagreement with the Court’s prior finding that his removal in this action was objectively unreasonable. ECF No. 41, at 3; *see* ECF No. 31, at 1-2. The Court, however, has already denied reconsideration of that prior finding. ECF No. 40.

Cir. 2008)). In determining what constitutes a reasonable fee award, the district court “has considerable discretion.” *Ahmed v. City of New York*, No. 17 Civ. 3044 (SHS), 2020 WL 6487521, at *3 (S.D.N.Y. Nov. 4, 2020) (internal quotation marks omitted).

Upon review of Chassen’s filings here, the Court concludes that a reduction of Chassen’s request is warranted. Specifically, although the Court finds that Chassen’s counsel charged a reasonable hourly rate, his request inappropriately includes hours billed in a prior removed action in this District. *See ECF No. 32 (“Schwartz Decl.”)*, ¶ 3; *see, e.g., Lowry v. Edelman*, No. 21-CV-7861 (JMF) (OTW), 2024 WL 1073149, at *10 (S.D.N.Y. Feb. 15, 2024) (finding that “[the plaintiff’s] attorney is clearly not entitled to fees for work done in other proceedings”), *report & recommendation adopted as modified*, 2024 WL 1526176 (S.D.N.Y. Apr. 8, 2024).

Accordingly, the Court will reduce Chassen’s claimed attorneys’ fees by \$33,354 — the total attributable to counsel’s work on the prior action, Schwartz Decl. ¶ 3 — resulting in a fee award of \$27,081, *id.* ¶ 4. The Court awards costs of \$190.62. *See id.; see, e.g., LeBlanc-Sternberg v. Fletcher*, 143 F.3d 748, 763 (2d Cir. 1998) (“[A]ttorney’s fees awards include those reasonable out-of-pocket expenses incurred by attorneys and ordinarily charged to their clients.” (internal quotation marks omitted)).

For these reasons, Chassen is awarded attorneys’ fees and costs in the amount of \$27,271.62. Furthermore, the Court sees no reason to delay enforcement of the award. *See, e.g., Keitel v. D’Agostino, Sr.*, No. 21-CV-8537 (JMF), 2025 WL 1785867, at *2 (S.D.N.Y. June 27, 2025) (stating that “[c]ourts in this Circuit have regularly . . . allowed the immediate enforcement of [] judgments” for attorneys’ fees and costs); *Stingray Music USA, Inc. v. uCast LLC*, No. 19-CV-7473 (AKH), 2020 WL 2489069, at *2 (S.D.N.Y. May 14, 2020) (ordering, *sua sponte*, that award of attorneys’ fees be “subject immediately to execution”); *see also, e.g., Li Rong Gao v.*

Perfect Team Corp., No. 10-CV-1637 (ENV) (CLP), 2014 WL 2465589, at *5 (E.D.N.Y. May 30, 2014) (observing that the defendants had “not presented any legal authority . . . indicating that the Court lacks authority to compel defendant[] to comply immediately” with a fee award).

Accordingly, the Clerk of Court is directed to enter judgment in favor of Defendant Jared Chassen for \$27,271.62 in attorneys’ fees and costs.

SO ORDERED.

Dated: July 30, 2025
New York, New York



JESSE M. FURMAN
United States District Judge